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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,127	12/01/2003	Harry Bussey JR.		2659

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EXAMINER

SHARMA, RASHMI K

ART UNIT

PAPER NUMBER

3651

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/725,127

Applicant(s)

BUSSEY, HARRY

Examiner

Rashmi K. Sharma

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: reference numeral 24. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Harrison (US Patent number 5,744,186).

Harrison discloses a hopper (1) for supplying loose fill material (1), one housing (outer walls of screw conveyor 3) having an inlet (area under hopper 2 in Figure 1) in communication with the hopper (2) to receive a flow of material (1) and an outlet (7 leading into 15 in Figure 1) for discharging the received material (1), a screw (3) having a plurality of flights, the screw (3) rotatably mounted in the housing for conveying the material (1) received through the inlet towards the outlet, a steam chamber (6) in communication with the outlet of the housing to receive the material therefrom, a paddle frame (structure which rotates paddles 17, paddles 17 and the horizontal shaft within chamber 6 in Figure 1) rotatably mounted in the chamber (6) to rotate about a central axis (the center point of the support shaft within chamber 6; it should be noted that the central axis is going into and out of the page in Figure 1 at the center point of chamber 6), the paddle frame having at least one scoop (17) mounted on a periphery thereof and extending longitudinally thereof in spaced parallel relation to the central axis, the scoop (17) being disposed in spaced relation to the outlet of the housing for scooping material delivered into the steam chamber (6) peripherally of the steam chamber (6), wherein the paddle frame has a pair of scoops (17) disposed on diametrically opposite sides thereof and the paddle frame being L-shaped (Figure 1, any one paddle 17 and the horizontal shaft).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison (US Patent number 5,744,186) in view of Whiteman (US Patent number 4,328,913).

Harrison as disclosed above fails to show a screw having some flights having a smaller radius than the remainder of the flights.

Whiteman does disclose a screw having some flights having a smaller radius than the remainder of the flights (see Figures 2 and 3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Harrison's flight radii in the area under the hopper, as taught by Whiteman in order to provide for a varied and/or more finely process of separating of the material coming out of the hopper to be conveyed.

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison (US Patent number 5,744,186) in view of Trotter (US 3,702,128) and Martin (US Patent number 3,041,185).

Harrison as disclosed above fails to show a pair of hoppers, a pair of housings and a pair of screws.

Martin does disclose a pair of hoppers (60).

Trotter does disclose a pair of screws.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add pairs of hoppers and screws to Harrison's invention as taught by Martin and Trotter in order to provide for double the amount of material processed and conveyed. It also would have been obvious to provide for a pair of housings in which to house each screw conveyor for each respective hopper since simply doubling the invention side by side would essentially require separate housings as well.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison (US Patent number 5,744,186) in view of Trotter (US 3,702,128) and Martin (US Patent number 3,041,185) and Whiteman (US Patent number 4,328,913).

Harrison as modified by Trotter and Martin above, fail to show a screw having some flights having a smaller radius than the remainder of the flights.

Whiteman does disclose a screw having some flights having a smaller radius than the remainder of the flights (see Figures 2 and 3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Harrison's flight radii in the area under the hopper, as taught by Whiteman in order to provide for a varied and/or more finely process of separating of the material coming out of the hopper to be conveyed.

Art Unit: 3651

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashmi K. Sharma whose telephone number is 571-272-6918. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER